



Pillsbury Winthrop Shaw Pittman LLP

31 West 52nd Street | New York, NY 10019-6131 | tel 212.858.1000 | fax 212.858.1500

Kenneth W. Taber

tel: +1.212.858.1813

kenneth.taber@pillsburylaw.com


November 8, 2024

## MEMO ENDORSED

### VIA ECF

Hon. Edgardo Ramos  
United States District Judge  
Thurgood Marshall U.S. Courthouse  
40 Foley Square, Courtroom 619  
New York, NY 10007

The application is X granted  
\_\_\_\_\_ denied

  
Edgardo Ramos, U.S.D.J.  
Dated: November 12, 2024  
New York, New York

**Re: *SecurityScorecard, Inc. v. Safe Securities, Inc.*, Case No.: 1:24-cv-04240-ER:  
Plaintiff's Request for Leave to File Under Seal**

Dear Judge Ramos:

We write on behalf of Plaintiff SecurityScorecard, Inc. ("SSC" or "Plaintiff"), to request a pre-motion conference to request leave to file under seal SSC's Pre-Motion Conference Letter to Request International Judicial Assistance to Obtain Evidence ("PMC Letter"), filed contemporaneously herewith. SSC submits this letter pursuant to the parties' *Stipulated Confidentiality Agreement and Protective Order*, dated October 16, 2024, Dkt. 120 ("Protective Order") and Rule 3(ii) of Your Honor's Individual Rules of Practice in Civil Cases.

A party seeking to file a document under seal must address the presumption in favor of public access to judicial documents and, pursuant to Rule 3(ii), "explain the particular reasons for seeking to file that information under seal."

The Second Circuit set forth the relevant standard in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006), under which "[t]here is a common law presumption in favor of permitting public access to judicial documents, which are those documents 'relevant to the performance of the judicial function and useful in the judicial process.'" *GoSMiLE, Inc. v. Dr. Jonathan Levine, D.M.D. P.C.*, 769 F. Supp. 2d 630, 649 (S.D.N.Y. 2011) (quoting *Lugosch*, 435 F.3d at 119). A court balances this common law presumption of access against competing comparisons, including "the privacy interests of those resisting disclosure." *Lugosch*, 435 F.3d at 120. Thus, the issue is whether "the privacy interests of the defendants outweigh the presumption of public access." *GoSMiLE*, 769 F. Supp. 2d at 649-50.

Here, SSC seeks to redact limited information in SSC's PMC Letter which was taken from a letter written by counsel for Defendant Safe Securities, Inc. ("SAFE") and marked HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY ("AEO") pursuant to the Protective Order. More specifically, the information SSC seeks to redact and file under seal concerns SAFE's investigation into its possession and use of SSC confidential and proprietary information at issue in this case. Although SSC may not agree with SAFE's AEO designation in this instance, SSC submits this application pursuant to the Protective Order to fully respect SAFE's designation.

Accordingly, SSC respectfully requests that the Court grant its request to file the PMC Letter under seal.

Counsel for Defendant SAFE does not object to this request to seal.

Respectfully submitted,

/s/ Kenneth W. Taber  
Kenneth W. Taber

cc: All Counsel of Record (via ECF)